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SUBJECT: NEPAL: BHUTAN'S COMMITMENT TO REPATRIATE REFUGEES
QUESTIONED

Classified By: DCM Robert K. Boggs for reasons 1.5 (b,d).

1. (C) Summary. The postponement of the 15th Nepal-Bhutan Joint Ministerial originally scheduled for August 11-15 has led many Bhutanese refugee leaders to become increasingly doubtful of the Royal Government of Bhutan's commitment to repatriate the refugees. UNHCR field director John Andrew reported that rumors in the refugee camps abound that it will take the GON and RGOB several more ministerials before refugees begin to return to Bhutan. On the other hand, Nepal's Foreign Secretary Madhu Raman Acharya suggested that the Ministerial will be held September 8-11 and, although the repatriation may be delayed, the refugees will return home. Acharya also reported that the RGOB would issue Category II refugees (those who must re-apply for citizenship) with identification cards valid for the two-year probationary period. In a public statement made August 24, Acharya said the GON would push for inclusion of UNHCR in the repatriation process. UNHCR has indicated that roughly 2 percent of Khundunabari camp residents, who may not be legitimate Bhutanese citizens, have begun to depart quietly from the camp. End Summary.

Government of Nepal: Feeling the Pressure

2. (C) In a recent meeting, Ministry of Foreign Affairs Secretary Madhu Raman Acharya said that although the

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Government of Nepal (GON) supports a role for UNHCR in the repatriation process, the GON is not willing to "create a deadlock over this issue." However, on August 24, Acharya made a public statement suggesting that the GON would push the Royal Government of Bhutan (RGOB) to accept a role for UNHCR in the repatriation process. UNHCR "has the expertise in logistics and technical matters which will be helpful in the repatriation and reintegration of the refugees in Bhutan," he said. Acharya suggested that the 15th Ministerial, scheduled to take place in Thimpu from August 11-15, was postponed because the Bhutanese (Druk) National Assembly was still in session. On August 24, he stated publicly that the Ministerial has been rescheduled for September 8-11.

3. (C) Acharya agreed that the RGOB had not provided sufficient guarantees for returning refugees and noted that conditions for return did not seem ideal. He reported that the RGOB had agreed to establish a reception/transit center in Bhutan near the western border to receive the refugees. He assured us that the center would not become a camp to house returning refugees. The reception center would process incoming refugees, who will be issued papers and special identification cards valid for the two-year probationary period, he said. Acharya caveated that, however, saying only refugees with land and property will be able to return because the RGOB is not prepared to provide land to the landless. (Note. Many Bhutanese refugee activists in Nepal have complained that the RGOB has systematically and deliberately seized the refugees' land holdings, razed houses and allowed Bhutanese from the north and east to settle on their property. End Note.)

4. (C) Acharya could not answer concerns of whether the refugees will be provided with employment opportunities. He was also suspicious of the RGOB's assertion that the "labor camps" reported in the press are not intended for the refugees. Acharya was concerned that the Bhutanese government's negative attitude toward returning refugees and the restrictive legal conditions placed on Bhutanese citizens would discourage repatriation. (Note. Bhutan's citizenship law significantly restricts emigration, marriage to non-Bhutanese, and political, religious and cultural freedoms. End Note.) Moreover, members of the Bhutanese National Assembly have stated clearly that they disapprove of the King's decision to allow any refugees to return to Bhutan, he said.

5. (C) Acharya emphasized that the GON continues to insist that the RGOB liberalize the criteria for Category II refugees (Bhutanese who voluntarily departed). He said that

the two governments originally had, in fact, agreed to use six types of documentation for verification purposes, including land ownership and taxation papers. The RGOB, however, subsequently refused to use all but one document, namely the citizenship card. Acharya cited 375 cases in which refugees provided what he believed were convincing verbal accounts of forceful departure from Bhutan. However, these refugees did not have their citizenship cards and were, therefore, refused Category I status. Acharya reported that the GON had convinced the RGOB to determine Category IV status (alleged criminals) on an individual rather than family basis in order to avoid categorizing children as criminals. He admitted that the two governments still must discuss issues of third party monitoring as well as relaxation of Bhutan's tough citizenship requirements. Acharya suggested that the GON might take advantage of international pressure on the RGOB to persuade the Bhutanese to cooperate on these issues.

Refugee Leaders Dismayed over Delays and Lack of Guarantees

16. (C) Meanwhile, Bhutanese refugee community leaders have expressed strong frustration with the delay of the 15th Ministerial and are worried that the refugees are becoming increasingly despondent regarding repatriation. The refugee leaders also raised their concerns that conditions in Bhutan will not be favorable for returnees. Specifically, they cite Bhutan's antiquated citizenship law as a major hindrance to successful repatriation. In addition to requiring applicants to speak and write Bhutanese, reside in Bhutan for 20 years, and "observe all the customs and traditions of the people of Bhutan," the citizenship law requires that applicants also own land, they said. However, the RGOB has deliberately resettled Eastern and Northern Bhutanese on many refugee properties over the past three years. Additional restrictions include the requirement that non-citizens have a "No Objection Certificate" issued by the central government in order to access social services, such as education and health facilities, as well as for gaining lawful employment. Also, according to the refugee leaders, Southern Bhutanese have no freedom of movement in Bhutan; they must register with local government officials when traveling anywhere inside the country. Despite these conditions, refugee leaders believe at least half of Category II refugees will choose to return to Bhutan.

17. (C) The refugee leaders were also concerned that increasing discontent within the young adult population in the camps in eastern Nepal is leading to the formation of radical and reactionary groups. One community activist reported that, in April, a group of camp residents formed the Bhutan Communist Party and claimed that the group now has at least 700 members. However, he did not believe the group has ties with external insurgents, such as the Bhutan Gorkha Liberation Front or Nepal's Maoists. The Bhutan Communist Party, he said, focuses its attention against the Bhutanese King and against India for alleged imperialistic practices in Bhutan.

UNHCR: Repatriation Unlikely For Several More Months

18. (C) Separately, UNHCR field director John Andrew reported that rumors now abound in the camps that the 15th Joint Ministerial will not finalize details for the repatriation of Khundunabari Camp refugees and that it will take several more Joint Ministerials, well into next year, before repatriation begins. Andrew had also received information from Khundunabari Camp residents that many families have begun to depart quietly. Some of these families are believed to be non-Bhutanese, while some legitimate Bhutanese are leaving in hopes of finding better opportunities elsewhere. Two Bhutanese community leaders, Gharima Adhikari and Ratan Gazmere, who had recently traveled to New Delhi to meet with donor governments, left India with the impression that the donor embassies were critical of the refugees as if "they did not have a right to return," he said. Andrew felt that perhaps it is necessary to sensitize other donor embassies in New Delhi to the Bhutanese refugee issue.

Comment

19. (C) Both the GON and RGOB appear to be feeling growing pressure from donor governments to ensure that Khundunabari Camp refugees are repatriated in accordance with international norms. The postponement of the 15th Joint Ministerial could be in reaction to this pressure as both governments begin to address the concerns raised by the international community. As such, there may be some legitimacy to the rumors that several more months are needed to finish laying the groundwork for repatriation. On the

other hand, there is no evidence that the RGOB has softened in the least its adamant refusal to admit outside monitors of the repatriation. Embassy will continue to work with UNHCR and others to assess the RGOB's intentions and measures to prepare for the return of the refugees. End Comment.

MALINOWSKI